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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,000	02/10/2004	Thomas L. Meier	7016R-000020	9092

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 04/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/776,000

Applicant(s)

MEIER ET AL.

Examiner

Alexandra K Pechhold

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-13,15-19,21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>filed 3/10/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 4-13, 15-19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US 6,264,227) in view of Gerzanich (US 3,884,019).**

Regarding claim 1, Johnson discloses a turf care machine, disclosed by Johnson as tractor (1) which can be an agricultural machine (Col 2, lines 66-67) such as a harvester (Col 3, line 11). The machine comprises a body with a first body portion (seen as front tractor section 20) coupled to a second body portion (seen as the rear tractor section 30) by an articulating joint (seen as pivot 40), the first body portion having an engine (seen as engine compartment 32 which is indirectly connected to front tractor section 20) and a plurality of track drives coupled to the engine (seen as tracks 12 and 14 in Fig. 1). Johnson fails to disclose a mower deck. Gerzanich teaches a mower deck used on a turf care machine having a plurality of track drives, seen as mower assembly (20) in Fig. 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the agricultural machine of

Johnson to include a mower deck as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches that a mower assembly on a track vehicle has the advantage of enabling the vehicle to negotiate and travel upon surfaces which are not readily accessible to conventional vehicles and cut vegetation on such undulating terrain (Col 2, lines 22-32 and 58-61).

Johnson also fails to disclose the track drive exerting a downward pressure of less than 8 psi on a turf surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the downward pressure the track drive exerts on the turf surface in Johnson to be less than 8 psi, since such a low pressure upon the terrain is the natural consequence of utilizing tracks, which have a greater surface area over which to decrease the pressure of the machine onto the ground, and furthermore it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 4, front tractor section (20) has a pair of front tracks (14) seen in Fig. 1, and a pivot (40) between the front and rear tractor sections.

Regarding claim 5, the second portion, seen as rear tractor section (30) has a pair of track drives, seen as tracks (12), coupled to engine compartments (32) as seen in Fig. 1.

Regarding claim 6, the rear tractor (30) has a pair of rear track drives (12).

Regarding claim 7, Johnson fails to disclose the front portion comprising a power

coupling which functions to couple a powered implement to the turf care machine. Instead, Johnson discloses an attachment at the rear hitch (34) for an agricultural implement. But Gerzanich teaches a power coupling at the front portion to couple a mower assembly (20) as seen in Fig. 1, in order to have the advantages of observing the operation (Col 3, lines 32-46). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the agricultural machine of Johnson to include a power coupling at the front portion to couple a powered implement thereto, as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches a mower assembly at the front of the vehicle, as shown in Figs. 1 and 2, so the operator can observe the operation to negotiate the operation of the mower (Col 3, lines 32-46).

Regarding claim 8, Grezanich discloses a powered implement, seen as mower assembly (30) with angular blades.

Regarding claim 9, Johnson discloses a self-propelled turf care machine comprising an engine (seen as engine 32), a body supporting the engine, the body having a front portion (seen as section 20) and rear portion (seen as section 30) pivotally coupled thereto (by pivot 40). The front portion (20) has the engine (32) coupled thereto (since they are connected through the vehicle), but fails to disclose a mower deck. Gerzanich teaches a mower deck used on a turf care machine having a plurality of track drives, seen as mower assembly (20) in Fig. 1. It would have been obvious to one having ordinary skill in the art at the time the invention was made to

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modify the agricultural machine of Johnson to include a mower deck as taught by Gerzanich, since Johnson already states that the tractor can be used for agricultural purposes (Col 2, lines 66-67 and Col 3, line 11), and Gerzanich teaches that a mower assembly on a track vehicle has the advantage of enabling the vehicle to negotiate and travel upon surfaces which are not readily accessible to conventional vehicles and cut vegetation on such undulating terrain (Col 2, lines 22-32 and 58-61).

Johnson discloses a track drive coupled to the engine, seen as the tracks (12) coupled to engine (32), but fails to disclose the track drive exerting less than 8 psi on the turf grass surface. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the downward pressure the track drive exerts on the turf surface in Johnson to be less than 8 psi, since such a low pressure upon the terrain is the natural consequence of utilizing tracks, which have a greater surface area over which to decrease the pressure of the machine onto the ground, and furthermore it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F. 2d 272, 205 USPQ 215 (CCPA 1980).

Regarding claim 10, the front tractor section (20) has front tracks (14).

Regarding claim 11, the rear tractor section (30) has rear tracks (12).

Regarding claim 12, the rear tracks (12) are coupled to engine compartment (32). Johnson states that the engine is not shown in the figures (Col 3, line 14).

Regarding claim 13, Johnson discloses a transmission in column 3, lines 14-16.

Regarding claim 15, Johnson fails to disclose the track drive system coupled to the engine by a pulley and belt system. Gerzanich teaches the mower operated by a drive pulley (25) which drives a belt (26) (Col 4, lines 20-26). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the drive train used by Johnson to include a drive pulley and belt as taught by Gerzanich, since a pulley and belt operation is a commonly used means of operating a track drive system.

Regarding claim 16, Gerzanich discloses belts (26) for the tracks, which have to be somehow supported to maintain their position, which can be termed a support fin.

Regarding claim 17, Gerzanich discloses a pulley (25).

Regarding claim 18, Fig. 1 illustrates a triangular track.

Regarding claim 19, Gerzanich teaches an oval track as shown in Figs. 1 and 2.

Regarding claim 21, Gerzanich teaches raising and lowering a mower assembly (see Figs. 1 and 2) to provide for greater accessibility and mobility, particularly when cutting on inclined surfaces (Col 1, lines 60-63 and Col 2, lines 1-17).

Response to Arguments

3. Applicant's arguments filed 2/28/05 have been fully considered but they are not persuasive. Applicant has amended independent claims 1 and 9 to recite that the track drive exerts less than 8 psi onto a turf grass surface. The Examiner is using Johnson as the base reference, since it discloses an agricultural machine with front and rear portions joined by an articulating joint and having an engine and track drives.

Gerzanich is used for the teaching of a mower deck on another track drive agricultural machine, with the motivation of using the mower deck of Gerzanich to cut vegetation on undulating terrain with the use of the tracks (Col 2, lines 22-32 and 58-61). The applicant's invention utilizes tracks instead of tires in order to have a greater surface area of contact between the machine and turf, thereby resulting in less pressure exerted on the turf (specifically less than 8 psi). This decrease in pressure is a natural consequence of having a greater surface area on a track as opposed to the smaller area of a tire surface in contact with the turf. Therefore, this low amount of pressure will be evident in Johnson and Gerzanich, which both utilize tracks in agricultural machines, and particularly in a turf care machine as in Gerzanich.

Conclusion

4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexandra Pechhold whose telephone number is (571) 272-6994. The examiner can normally be reached on Mon-Thurs. from 8:00am to 5:30pm and alternating Fridays from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached on (571) 272-6998. The fax phone number for this Group is (703) 872-9306.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

AKP
4/20/05